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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/399,630	09/20/1999	GARY M. REYNOLDS	KCC-12.681	2481

7590 12/12/2001

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EXAMINER

REICHLE, KARIN M

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 12/12/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

091399630

Applicant(s)

Reynolds

Examiner

Reichme

Group Art Unit

3761

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 6 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 9-20-99
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-27 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-27 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☒ The drawing(s) filed on 9-20-99 is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 283
- ☒ Notice of Reference(s) Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit: 3761

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

For Example:

The Assignment Document and related papers discussed in the transmittal papers are not of record in the case.

It is noted that incorporation of essential, i.e. claimed, subject matter by reference to U.S. Patents which themselves incorporate by reference is improper. Any incorporation should be reviewed to ensure their propriety.

The drawings are objected to because in Figure 10, what does the numeral 256 denote?. Correction is required.

Claims 1-27 are objected to because of the following informalities: in claim 1, line 1 "the" should be -- a --, on line 3, before "comprising" -- further -- should be inserted, and on the last line, "body facing" should be -- body faceable --. In claim 11, line 2, "the" (1st) should be --a-- . In regard to claims 17-27, see discussion of claims 1-16 which also applies to similar language in these claims. Appropriate correction is required.

Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 3761

Are the gasketing assembly in claim 1 and the thrust portion in claim 3 one and the same, i.e. the assembly includes the element and the thrust portion? In regard to claims 6-8, see discussion of claims 1 and 3. In regard to claim 13, are the gasket element in claim 1 and body liner one and the same? In regard to claims 14-17, are the leg portions and the gasket element one and the same? In regard to claims 17-27, see discussion of claims 1-16 which also applies to similar language in these claims.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Schaar '150.

Claims 1, 2, 9, 10, 11, 17, 22, 23, and 25: see, e.g., Figures 1-14, column 3, line 41 - column 6, line 51, gasketing assembly 48, stretchable material 55.

Claims 3, 6, 18, 24: face portion is at least a portion of panel c of 48 and thrust portion is at least a portion of panels A, B, D, E of 48, see, e.g., Figure 10.

Claims 4-5, 7-8, 19: see column 4, lines 8-21, i.e. when absorbent pad not spaced, absorbent pad inherently forms compression resistant member and sheets 28 and 32 form casing. The terminology "soft" is considered relative.

Claims 12, 20 and 27: see Figure 8, i.e. gap on each side is a gasket element.

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Claims 13-16, 20-21 and 26: body side liner is surface 28 of 48, leg portions are at least portions of A, B, D, E of 48.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The other references show waist flaps..

Any inquiry concerning this communication should be directed to K. Reichle at telephone number (703) 308-2617. The Examiner's regular work schedule is Monday-Thursday.

K. Reichle:bhw

November 2, 2001

K. M. Reichle
Karin M. Reichle
Patent Examiner